

105TH CONGRESS
1ST SESSION

S. 820

To amend chapters 83 and 84 of title 5, United States Code, to limit certain retirement benefits of Members of Congress, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 3, 1997

Mr. BROWNBACK introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To amend chapters 83 and 84 of title 5, United States Code, to limit certain retirement benefits of Members of Congress, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ACCRUAL RATES FOR MEMBERS OF CONGRESS**

4 **UNDER CSRS AND FERS.**

5 (a) CSRS.—

6 (1) MEMBERS.—Section 8339(c) of title 5,
7 United States Code, is amended by striking all that
8 follows “with respect to—” and inserting the follow-
9 ing:

1 “(1) so much of his service as a Member as was
 2 performed before the beginning of the 106th Con-
 3 gress;

4 “(2) so much of his military service as—

5 “(A) is creditable for the purpose of this
 6 subsection; and

7 “(B) was performed before the beginning
 8 of such Congress; and

9 “(3) so much of his Congressional employee
 10 service as was performed before the beginning of
 11 such Congress;

12 by multiplying 2½ percent of his average pay by the years
 13 of that service.”.

14 (2) TECHNICAL AMENDMENT.—Section 8332(d)
 15 of title 5, United States Code, is amended by strik-
 16 ing “section 8339(c)(1)” and inserting “section
 17 8339(c)”.

18 (b) FERS.—

19 (1) MEMBERS.—Section 8415(b) of title 5,
 20 United States Code, is amended by striking “shall”
 21 and inserting “shall, to the extent that such service
 22 was performed before the beginning of the 106th
 23 Congress,”.

1 (2) PROVISIONS RELATING TO THE 1.1 PER-
2 CENT ACCRUAL RATE.—Section 8415(g) of title 5,
3 United States Code, is amended—

4 (A) in paragraph (1) by striking “an em-
5 ployee under paragraph (2),” and inserting “an
6 employee or Member under paragraph (2),”;

7 (B) in paragraph (2) by inserting “or
8 Member” after “in the case of an employee”;
9 and

10 (C) by adding at the end the following:

11 “(3) Notwithstanding any other provision of this sub-
12 section—

13 “(A) this subsection shall not apply in the case
14 of a Member whose separation (on which entitlement
15 to annuity is based) occurs before the beginning of
16 the 106th Congress; and

17 “(B) in the case of a Member to whom this
18 subsection applies, the 1.1 percent accrual rate shall
19 apply only with respect to any period of service other
20 than a period with respect to which the 1.7 percent
21 accrual rate applies under subsection (b) or (c).”.

1 **SEC. 2. TREATMENT OF MEMBERS OF CONGRESS AS EM-**
 2 **PLOYEES FOR ANNUITY COMPUTATIONS.**

3 (a) COMPUTATION OF ANNUITY.—Section 8415 of
 4 title 5, United States Code, is amended in subsection (a)
 5 by inserting “or Member” after “employee”.

6 (b) CONTRIBUTIONS.—

7 (1) DEDUCTIONS FROM PAY.—Section
 8 8422(a)(2) of title 5, United States Code, is amend-
 9 ed—

10 (A) in subparagraph (A) by inserting “or
 11 Member” after “employee”); and

12 (B) in subparagraph (B) by striking
 13 “Member,”.

14 (2) GOVERNMENT CONTRIBUTIONS.—Section
 15 8423(a)(1) of title 5, United States Code, is amend-
 16 ed—

17 (A) in subparagraph (A)(i) by striking
 18 “subparagraph (B)),” and inserting “subpara-
 19 graph (B)) and Members,”;

20 (B) in subparagraph (A)(ii) by inserting
 21 “and Members” before “(under”;

22 (C) in subparagraph (B)(i) by striking
 23 “Members,”; and

24 (D) in subparagraph (B)(ii) by striking
 25 “and Members”.

26 (c) EFFECTIVE DATE; SAVINGS PROVISION.—

1 (1) EFFECTIVE DATE.—This section shall take
 2 effect as of the first day of the first applicable pay
 3 period beginning after the end of the 12-month pe-
 4 riod beginning on the date of the enactment of this
 5 Act.

6 (2) SAVINGS PROVISION.—Any annuity or por-
 7 tion of an annuity computed based on service per-
 8 formed before the effective date of this section shall
 9 be computed in accordance with applicable provi-
 10 sions of law, as in effect immediately before the ef-
 11 fective date of this section.

12 **SEC. 3. TWELVE-YEAR LIMITATION ON CREDITABLE SERV-**
 13 **ICE IN RETIREMENT SYSTEMS FOR MEMBERS**
 14 **OF CONGRESS.**

15 (a) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

16 (1) LIMITATION.—Chapter 84 of title 5, United
 17 States Code, is amended by inserting after section
 18 8410 the following:

19 **“§ 8410a. Limitation relating to Members**

20 “(a) This section shall apply with respect to any
 21 Member serving as—

22 “(1) a Member of the House of Representatives
 23 after completing 12 years of service as a Member of
 24 the House of Representatives; or

1 “(2) a Senator after completing 12 years of
2 service as a Senator.

3 “(b) A Member to whom this section applies remains
4 subject to this chapter, except as follows:

5 “(1)(A) Deductions under section 8422 shall
6 not be made from any pay for service performed as
7 such a Member.

8 “(B) Government contributions under section
9 8423 shall not be made with respect to any such
10 Member.

11 “(C) Service performed as such a Member shall
12 not be taken into account for purposes of any com-
13 putation under section 8415.

14 “(2) Government contributions under section
15 8432(c) shall not be made with respect to any period
16 of service performed as such a Member.

17 “(c) Nothing in subsection (b) shall be considered to
18 prevent any period of service from being taken into ac-
19 count for purposes of determining whether any age and
20 service requirements for entitlement to an annuity have
21 been met.

22 “(d) For purposes of subsection (a)—

23 “(1) only service performed after the 105th
24 Congress shall be taken into account; and

1 “(2) service performed while subject to sub-
 2 chapter III of chapter 83 (if any) shall be treated
 3 in the same way as if it had been performed while
 4 subject to this chapter.

5 “(e) For purposes of this section, the term ‘Member
 6 of the House of Representatives’ includes a Delegate to
 7 the House of Representatives and the Resident Commis-
 8 sioner from Puerto Rico.”.

9 (2) TABLE OF CONTENTS.—The table of con-
 10 tents for chapter 84 of title 5, United States Code,
 11 is amended by inserting after the item relating to
 12 section 8410 the following:

“8410a. Limitation relating to Members.”.

13 (b) CIVIL SERVICE RETIREMENT SYSTEM.—

14 (1) LIMITATION.—Chapter 83 of title 5, United
 15 States Code, is amended by inserting after section
 16 8333 the following:

17 **“§ 8333a. Limitation relating to Members**

18 “(a) This section shall apply with respect to any
 19 Member serving as—

20 “(1) a Member of the House of Representatives
 21 after completing 12 years of service as a Member of
 22 the House of Representatives; or

23 “(2) a Senator after completing 12 years of
 24 service as a Senator.

1 “(b) A Member to whom this section applies remains
2 subject to this subchapter, except as follows:

3 “(1) Deductions under the first sentence of sec-
4 tion 8334(a) shall not be made from any pay for
5 service performed as such a Member.

6 “(2) Government contributions under the sec-
7 ond sentence of section 8334(a) shall not be made
8 with respect to any such Member.

9 “(3) Service performed as such a Member shall
10 not be taken into account for purposes of any com-
11 putation under section 8339, except in the case of
12 a disability annuity.

13 “(c)(1) Nothing in subsection (b) shall be considered
14 to prevent any period of service from being taken into ac-
15 count for purposes of determining whether any age and
16 service requirements for entitlement to an annuity have
17 been met.

18 “(2) Nothing in subsection (b) or (c) of section 8333
19 shall apply with respect to a Member who, at the time
20 of separation, is a Member to whom this section applies.

21 “(d) For purposes of subsection (a), only service per-
22 formed after the 105th Congress shall be taken into ac-
23 count.

24 “(e) For purposes of this section, the term ‘Member
25 of the House of Representatives’ includes a Delegate to

1 the House of Representatives and the Resident Commis-
 2 sioner from Puerto Rico.”.

“8333a. Limitation relating to Members of the House of Representatives.”.

3 **SEC. 4. CONGRESSIONAL RETIREMENT FORFEITURE.**

4 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
 5 8332 of title 5, United States Code, is amended by adding
 6 at the end the following:

7 “(o)(1) Notwithstanding any other provision of this
 8 subchapter, the service of an individual convicted of an
 9 offense described in paragraph (2) shall not, if or to the
 10 extent rendered as a Member (irrespective of when ren-
 11 dered), be taken into account for purposes of this sub-
 12 chapter. Any such individual (or other person determined
 13 under section 8342(c), if applicable) shall be entitled to
 14 be paid so much of such individual’s lump-sum credit as
 15 is attributable to service to which the preceding sentence
 16 applies.

17 “(2)(A) An offense described in this paragraph is any
 18 offense described in subparagraph (B) for which the fol-
 19 lowing apply:

20 “(i) The offense is committed by the individual
 21 (referred to in paragraph (1)) while a Member.

22 “(ii) The conduct on which the offense is based
 23 is directly related to the individual’s service as a
 24 Member.

1 “(iii) The offense is committed during the
2 106th Congress or later.

3 “(B) The offenses described in this subparagraph are
4 as follows:

5 “(i) An offense within the purview of—

6 “(I) section 201 of title 18 (bribery of pub-
7 lic officials and witnesses);

8 “(II) section 203 of title 18 (compensation
9 to Members of Congress, officers, and others in
10 matters affecting the Government);

11 “(III) section 204 of title 18 (practice in
12 United States Court of Federal Claims or the
13 United States Court of Appeals for the Federal
14 Circuit by Members of Congress);

15 “(IV) section 207 of title 18 (restrictions
16 on former officers, employees, and elected offi-
17 cials of the executive and legislative branches);

18 “(V) section 219 of title 18 (officers and
19 employees acting as agents of foreign prin-
20 cipals);

21 “(VI) section 286 of title 18 (conspiracy to
22 defraud the Government with respect to
23 claims);

24 “(VII) section 287 of title 18 (false, ficti-
25 tious, or fraudulent claims);

1 “(VIII) section 371 of title 18 (conspiracy
2 to commit offense or to defraud the United
3 States;

4 “(IX) section 597 of title 18 (expenditures
5 to influence voting);

6 “(X) section 599 of title 18 (promise of
7 appointment by candidate);

8 “(XI) section 602 of title 18 (solicitation
9 of political contributions);

10 “(XII) section 606 of title 18 (intimidation
11 to secure political contributions);

12 “(XIII) section 607 of title 18 (place of so-
13 licitation);

14 “(XIV) section 641 of title 18 (public
15 money, property or records);

16 “(XV) section 1001 of title 18 (statements
17 or entries generally);

18 “(XVI) section 1341 of title 18 (frauds
19 and swindles);

20 “(XVII) section 1343 of title 18 (fraud by
21 wire, radio, or television);

22 “(XVIII) section 1503 of title 18 (influen-
23 cing or injuring officer or juror);

24 “(XIX) section 1951 of title 18 (inter-
25 ference with commerce by threats or violence);

1 “(XX) section 1952 of title 18 (interstate
2 and foreign travel or transportation in aid of
3 racketeering enterprises);

4 “(XXI) section 1962 of title 18 (prohibited
5 activities); or

6 “(XXII) section 7201 of the Internal Reve-
7 nue Code of 1986 (attempt to evade or defeat
8 tax).

9 “(ii) Perjury committed under the statutes of
10 the United States in falsely denying the commission
11 of an act which constitutes an offense within the
12 purview of a statute named by clause (i).

13 “(iii) Subornation of perjury committed in con-
14 nection with the false denial of another individual as
15 specified by clause (ii).

16 “(3) An individual convicted of an offense described
17 in paragraph (2) shall not, after the date of the conviction,
18 be eligible to participate in the retirement system under
19 this subchapter while serving as a Member.

20 “(4) Except as provided in paragraph (5), the Office
21 shall prescribe such regulations as may be necessary to
22 carry out this subsection, including provisions under which
23 interest on any lump-sum payment under the second sen-
24 tence of paragraph (1) shall be limited in a manner similar
25 to that specified in the last sentence of section 8316(b).

1 “(5) The Executive Director (within the meaning of
 2 section 8401(13)) shall prescribe such regulations as may
 3 be necessary to carry out the purposes of this subsection
 4 with respect to the Thrift Savings Plan. Regulations under
 5 this paragraph shall include provisions requiring the re-
 6 turn of all vested amounts.

7 “(6) Nothing in this subsection shall restrict any au-
 8 thority under subchapter II or any other provision of law
 9 to deny or withhold benefits authorized by statute.

10 “(7) For purposes of this subsection, the term ‘Mem-
 11 ber’ has the meaning given such term by section 2106,
 12 notwithstanding section 8331(2).”.

13 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—
 14 Section 8411 of title 5, United States Code, is amended
 15 by adding at the end the following:

16 “(i)(1) Notwithstanding any other provision of this
 17 chapter, the service of an individual convicted of an of-
 18 fense described in paragraph (2) shall not, if or to the
 19 extent rendered as a Member (irrespective of when ren-
 20 dered), be taken into account for purposes of this chapter.
 21 Any such individual (or other person determined under
 22 section 8424(d), if applicable) shall be entitled to be paid
 23 so much of such individual’s lump-sum credit as is attrib-
 24 utable to service to which the preceding sentence applies.

1 “(2) An offense described in this paragraph is any
2 offense described in section 8332(o)(2)(B) for which the
3 following apply:

4 “(A) The offense is committed by the individual
5 (referred to in paragraph (1)) while a Member.

6 “(B) The conduct on which the offense is based
7 is directly related to the individual’s service as a
8 Member.

9 “(C) The offense is committed during the 106th
10 Congress or later.

11 “(3) An individual convicted of an offense described
12 in paragraph (2) shall not, after the date of the conviction,
13 be eligible to participate in the retirement system under
14 this chapter while serving as a Member.

15 “(4) Except as provided in paragraph (5), the Office
16 shall prescribe such regulations as may be necessary to
17 carry out this subsection, including provisions under which
18 interest on any lump-sum payment under the second sen-
19 tence of paragraph (1) shall be limited in a manner similar
20 to that specified in the last sentence of section 8316(b).

21 “(5) The Executive Director shall prescribe such reg-
22 ulations as may be necessary to carry out the purposes
23 of this subsection with respect to the Thrift Savings Plan.
24 Regulations under this paragraph shall include provisions
25 requiring the return of all vested amounts.

1 “(6) Nothing in this subsection shall restrict any au-
2 thority under subchapter II of chapter 83 or any other
3 provision of law to deny or withhold benefits authorized
4 by statute.

5 “(7) For purposes of this subsection, the term ‘Mem-
6 ber’ has the meaning given such term by section 2106,
7 notwithstanding section 8401(20).”.

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